

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ELWOOD H. JONES, JR.,

Petitioner,

-vs-

MARGARET BAGLEY, Warden,

Respondent.

:

Case No. 1:01-cv-564

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

SCHEDULING ORDER

On Motion of the Petitioner and for good cause shown, the Court hereby sets the following deadlines

1. Petitioner's traverse shall be filed not later than August 14, 2006.
2. Respondent may file a reply to the traverse not later than September 18, 2006.

Petitioner has moved the Court, with the agreement of Petitioner, to set the date for filing a motion for evidentiary hearing at October 19, 2006. The Court previously set that date for April 17, 2006 (Doc. No. 70) and then on Petitioner's Motion (Doc. No. 72) extended the time to April 24, 2006. Petitioner's new counsel have now been counsel of record since January 24, 2005. On their motion, discovery was reopened for an additional five months beyond the ten-month period granted to the first set of counsel. The Court appreciates that "death is different," but all of the other capital habeas corpus cases filed in 2001 and referred to the undersigned have already been tried, as well as almost all of those filed in 2002 and 2003. The Court also appreciates that counsel have busy schedules, but

their schedules are scarcely unique among the members of this Court's bar. The Magistrate Judge intends to complete this case before being eligible for retirement. The extension of the motion for evidentiary hearing deadline to October 19, 2006, is therefore granted only because Respondent has consented.

April 25, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge